

## **REMARKS**

Favorable reconsideration and allowance of this application are respectfully requested.

### **1. Discussion of Amendments**

Prior claims 1, 6-7 and 10 have now been cancelled along with claims 2-5. Claims 8-9 have also been cancelled and replaced by new claims 18-19, of which claim 18 is in independent format. Claim 11 has been recast in independent format by including therein the substance of prior claim 1 from which it depended.

Claims 15-17 and 22-23 have been newly submitted and based on the disclosure appearing in the paragraph bridging pages 9-10 of the originally filed specification. Claims 20 and 21 are based on prior claims 12 and 13 but are dependent ultimately from new claim 18.

Therefore, following entry of this amendment, claims 11-23 will remain pending herein for consideration, of which claims 11 and 18 are in independent format.

### **2. Response to Art-Based Rejections**

Prior claims 1 and 6-12 attracted a rejection under 35 USC § 102(b) as allegedly anticipated by Linstid III et al (USP 6,222,000). In addition, claims 13 and 14 attracted a rejection under the 35 USC §103(a) based on the combination of Linstid et al in view of Furuta et al (USP 5,612,101). As will become evident from the following discussion, all pending claims herein are patentably distinguishable over the applied references of record.

Applicants note that Linstid, III et al generally discloses an amorphous wholly aromatic polyester amide containing:

15-60% of (A) 4-hydroxybenzoic acid,

15-60% of (B) 20hydroxy-6-napthoic acid,

5-20% of (C) p-aminophenol,  
7-15% of (D) isophthalic acid and  
5-20% of (E) terephthalic acid.

Linstead, III et al however includes other structures than the above-noted polymers, for example 4,4'-bisphenol as component C, m-aminophenol as component D etc. Thus, the disclosure of Linstead, II et al is quite broad and would not lead a skilled person to *select* the particular components as claimed herein by the present application to achieve the *specific* property of improved adhesiveness to another polymer resulting in a stable multilayer product.

Linstid, III et al therefore suggests nothing about the particular selectivity of the monomers defined in the present applicants' claims so as to achieve the superior advantages of elongation and adhesiveness to another resin.

In this regard, Example 6 of the present application and Examples 9 and 10 show a product which falls within the general disclosure of Linstid, III et al. However, as will be observed, such Examples have low adhesive strengths.

Thus, applicants suggest that the presently pending claims 1 and 6-12 are not anticipated by Linstid, III et al under 35 USC §102(b).

Nor does the combination of Linstid et al and Furuta et al render the presently claimed invention unpatentable under 35 USC §103(a). Specifically, Furuta merely discloses blending a liquid crystal polyester (LCP) with an olefin. As noted during previous prosecution, Linstid III et al would not direct and ordinarily skilled person to select the particular components in the particular amounts as defined in the pending claims herein. Thus, even if an ordinarily skilled person would consider combining the LCP of Furuta with the wholly aromatic polyester of Linstid III et al, the present invention as defined by claims 13-14 would not be the result.

**NAKANE et al**  
**Serial No. 10/525,642**  
January 11, 2008

Withdrawal of the rejection advanced under 35 USC §103(a) based on the combination of Linstid, III et al and Furuta et al is also in order.

**3. Response to Double Patenting Rejection**

Applicants respectfully request that the provisional double patenting rejection be held in abeyance pending final resolution of the patentability of the claims present in the subject application and those pending in copending application Serial No. 10/538,845.

**4. Conclusion**

Withdrawal of all rejections of record are in order. An early and favorable reply on the merits is awaited.

**5. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /Bryan H. Davidson/            
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100